

Notice of Allowability

Application No.

10/644,720

Examiner

Shelley Self

Applicant(s)

HESSENBERGER ET AL.

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/22/05.
2. ☒ The allowed claim(s) is/are 1-21 and 41-59.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 4/6/05.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



**DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700**

DETAILED ACTION

Response to Amendment

The amendment filed on July 22, 2005 is sufficient to overcome the prior art reference.

Drawings

Applicant's response in reply to the Examiner's Drawing objections has been acknowledged and is persuasive.

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application in response to the Notice of Draftspersons Patent Drawing Review mailed in the previous Office Action (April 6, 2005).

Allowable Subject Matter

Claims 1-21 and 41-59 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art of record does not disclose or fairly suggest a tool or router comprising the following:

-a motor housing defining an air outlet, a shield removably connected to the motor housing, the shield being positionable at least partially outside the motor housing and to at least partially cover the air outlet in combination with the rest of the claimed limitations as set forth in claims 1 and 58

-a motor defining a central axis and an air outlet, the air outlet having portions thereof positioned on each of two opposing sides of the central axis, a shield connectable to the motor

Art Unit: 3725

housing *to at least partially cover the portions of the air outlet on the two opposing sides of the central axis* in combination with the rest of the claimed limitations as set forth in claim 3.

The prior art of record, Hestily discloses a router/power tool (10) having a motor (42), base (12), motor housing (36) supporting the motor (42), an air outlet (58; col. 2, lines 30-34), an air inlet (54, 56; col. 2, lines 25-34), a dust passage (74), a conduit (78, 80) and blower (82). Hestily also teaches the upper most portion of the motor housing (36) is formed in an end cap (88) wherein the blower portion (86) of the blower (82) is formed. Hestily discloses that air enters the motor housing (36) via inlets (54) and passages (56) for ventilating the motor (42), the inlet air is then exhausted through outlet apertures (58), dust and debris is mixed with the exhausted air and exhaled through the dust passage (74) which ultimately discharges the dust laden air into outlet (106) for disposal. Hestily does not disclose a shield removably connectable to the motor housing and being positionable at least partially outside the motor housing to at least partially cover the air outlet. Instead Hestily discloses the cap (88) portion of the motor housing extending from the upper section of the motor housing (36; fig. 1, 2) and not covering the air outlet (58) which is positioned at a lower portion of the motor housing (36). Accordingly, Hestily fails to anticipate or render obvious the claimed invention as set forth in claims 1, 3 and 58.

Neither the prior art of record nor any combination thereof discloses the claimed invention as set forth in claims 1, 3 and 58. Accordingly, claims 1-21 and 41-59 are deemed allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

Art Unit: 3725


fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is (571) 272-4524. The examiner can normally be reached Mon-Fri from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on accessing the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SSelf
September 22, 2005


DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700